

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

RODERICK GROCE,)
)
)
Plaintiff,)
)
)
vs.) **Civil Action No. CV-06-TMP-1311-S**
)
)
WEATHERBY CONSTRUCTION)
and BRETT WEATHERBY,)
)
Defendants.)

ORDER

This action is before the court upon defendants' motion to dismiss (doc. no. 8) and motion for summary judgment (doc. no. 10). The Magistrate Judge filed a report and recommendation on December 12, 2006, recommending that the motions be denied.¹ No objections have been filed. After careful consideration of the record in this case and the magistrate judge's findings and recommendation, the court hereby ADOPTS the findings of the magistrate judge. The court ACCEPTS the recommendation of the magistrate judge, and it is therefore ORDERED that defendants' motion to dismiss and motion for summary judgment are DENIED.

The clerk is directed to return the file to the Magistrate Judge for further proceedings.

¹See doc. no. 15.

DONE this 26th day of January, 2007.



United States District Judge